

# Exhibit F

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Fish and Wildlife, Special Licenses Unit  
625 Broadway, Fifth Floor, Albany, New York 12233-4752  
P: (518) 402-8985 | F: (518) 402-8925  
[www.dec.ny.gov](http://www.dec.ny.gov)

August 14, 2017

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Ms. Carrie Leo  
3199 Walworth Rd  
Walworth, New York 14568

**NOTICE OF INTENT TO REVOKE LICENSE**

Dear Ms. Leo:

In accordance with the provisions of 6 NYCRR §175.5 and Department of Environmental Conservation Commissioner's Record of Compliance Enforcement Policy (DEE-16) of August 8, 1991, as revised on March 5, 1993, you are hereby notified of the Department of Environmental Conservation's (Department) intent to revoke the following special license issued to you by the Department: License to Collect or Possess: Education/Exhibition number 626 (issued pursuant to ECL §11-0515 and 6 NYCRR Part 175).

The Department intends to revoke your license for the following reasons:

- 1) Unauthorized possession of wildlife without proper license from the Department;
- 2) Failure to keep accurate records and submit timely reports to the Department;
- 3) Failure to comply with terms and conditions of your special licenses issued by the Department;
- 4) Failure to comply with the terms of a federal license directly related to the activity authorized by your License to Collect or Possess: Education/Exhibition number 626 (LCPEE).

Based upon (i) your amendment application received by the Department on March 28, 2016, (ii) an inspection of your facility on May 10, 2016, and (iii) additional documents and information in the Department's files, you have acknowledged, and been shown, to be in possession of Department regulated animals without proper licenses or permits, evidenced your failure to notify the Department of such possession as required, and have failed to comply with the terms and conditions of your State and Federal licenses.

Specifically, you admitted to and found to be possessing and failing to release to the wild in a timely manner six (6) wild coyote (*Canis latrans*) and four (4) Virginia opossum (*Didelphis virginiana*) and failed to properly account for these Department regulated animals on your Wildlife Rehabilitation Log. Records you have submitted indicate that on August 14, 2015, your Veterinarian, Dr. Laura Wade, DVM, performed an onsite inspection of your facility in which "Several opossum were evaluated and were found in good overall



health, however, had been in captivity for a period of time and were quite habituated." And additionally, "Six coyote pups were evaluated and although appeared in good health...appeared too socialized towards humans for release." Further, although you knew these animals to be non-releasable and therefore not rehabilitation candidates, you did not contact the Department until March 28, 2016, when the Department received your request to add the coyotes to your License to Collect or Possess: Education/Exhibition (LCPEE) #623, and on July 18, 2016, the Department received you request to add the Virginia opossum to your LCPEE.

Your Wildlife Rehabilitation license contains the following express condition:

**22. WRL – Disposition of Non-Releaseable Wildlife**

*Wildlife deemed to be incapable of surviving if released to the wild shall be euthanized or, except white-tailed deer, black bear and moose, may be transferred to an individual who possesses a valid licenses to possess such live, non-releasable animal.*

Additionally, your LCPEE license contains the following express condition:

**6. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited**

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

As you know and have been previously informed by the Department, you must first receive an amended license authorizing the possession of any additional regulated animals prior to taking possession of such animals. Indeed, in an amendment request letter you sent to the Department dated April 15, 2014 you stated as follows:

*"As a relatively new LCP holder, I mistakenly thought I had to have possession of the animals before applying for their inclusion on my license. However, I've spoken with Chris [Special Licenses Unit staff member] and he is aware of my mistake in getting animals before applying for licensing. I've been advised to apply for licensing prior to transferring any wild animals into my facility. This will be done in the future should I desire to have any more animals transferred to my facility."*

However, in spite of this acknowledgement, on September 14, 2014 you submitted an amendment application to the Department requesting the addition of one Eastern chipmunk (*Tamias striatus*) and one Virginia opossum (*Didelphis virginiana*) which you had already acquired without required license amendment. Furthermore, on July 1, 2015, along with your license renewal application, you submitted an additional request to add the following species, which you had already acquired without the required license amendment: one (1) Virginia opossum, one (1) Eastern chipmunk, one (1) woodchuck (*Marmota monax*), two (2) Eastern gray squirrels (*Sciurus carolinensis*), two (2) fisher (*Martes pennanti*), and one (1) North American porcupine (*Erethizon dorsatum*). In both instances you acquired regulated animals prior to receiving an amended license from the Department in direct violation of the conditions of your license.

Additionally, on May 10, 2016, the Department's Regional Wildlife Manager, Mike Wasilco, and officers from the Division of Law Enforcement inspected your property. During the inspection you were found to be in violation of the following:

1. possessing these regulated animals without a license:
  - i. four (4) Virginia opossum;
  - ii. thirteen (13) Eastern coyote; and
  - iii. two (2) eastern gray squirrel.
2. failing to provide proper caging facilities to wit, housing and overwintering opossums in inadequate caging (3'x3'x2') which, during the inspection, you acknowledged were not large enough for these animals.
3. failing to comply with the General Municipal Law (GML 209-cc) by reporting the presence of dangerous animals in your possession to your local Town Clerk's office, to wit, one red fox and six coyote; and
4. failing to submit your License to Collect or Possess annual report.

Your LCPEE license contains the following express conditions:

**6. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited**

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

**10. Live Animal – Providing Care for Animal(s)**

*The licensee shall provide food, water, care and caging facilities to ensure the physiological and psychological well-being of the listed animal(s).*

**12. Live Animal – Compliance with General Municipal Law**

*The licensee shall comply with all notifications required by the New York State General Municipal Law Section 209-cc for all listed animals subject to that law.*

**22. Education/Exhibition Reporting Requirement**

*The licensee shall submit an accurate and complete Fish and Wildlife Education/Exhibition Report Form prior to the expiration date of this license. The licensee shall send this report to the NYSDEC Special Licenses Unit 625 Broadway, Albany, NY 12233-4752.*

As a result of the May 10, 2016 inspection of your facility, you were issued twenty-eight (28) separate citations for various violations of laws and regulations, returnable in Town of Macedon court. At the time of the May 2016 inspection, the 6 coyote were confiscated by the Department's Division of Law Enforcement due to illegal possession and being highly habituated to humans.

Further, it is the Department's understanding that, on December 20, 2016, you refused representatives from USDA, APHIS, Animal Care access to your property for the purpose of inspection - a requirement under the Animal Welfare Act. The Department understands that you previously denied USDA inspectors access to your property on July 27, 2016 and August 11, 2016, as well. Possession of, and compliance with, a USDA Animal Welfare

Act Exhibitors license is a specific requirement of your License to Collect or Possess: Education/Exhibition license # 626 for exhibition of mammals in New York State.

Based upon all of the foregoing facts and circumstances listed above, it is clear that you are unsuitable to carry out the responsibilities of a licensed animal exhibitor in New York. In particular, your illegal possession of Department regulated animals, failure to keep records and make reports as required by license conditions, failure to comply with terms and conditions of Department issued licenses, and failure to comply with State and Federal laws or regulations have established a practice of non-compliance with Department permitting regulations.

Accordingly, consistent with the requirements of Environmental Conservation Law 11-0515, 6 NYCRR Parts 175, and Department of Environmental Conservation Commissioner's Record of Compliance Enforcement Policy (DEE-16) of August 8, 1991, as revised on March 5, 1993, the Department intends to revoke your License to Collect or Possess: Education/Exhibition # 626 on September 7, 2017.

In accordance with the provisions of 6 NYCRR 175.5, you may, within 10 working days of receipt of this Notice, submit a written statement setting forth either the reasons why your license should not be revoked, or request a hearing, or both. Failure to timely submit a statement or request a hearing will result in this revocation action becoming effective on September 7, 2017.

Please address all communication to:

Director - Division of Fish and Wildlife  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-4750

Sincerely,



Anthony Wilkinson  
Director  
Division of Fish and Wildlife

c: J. Therrien  
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